



November 25, 2005

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *IP-Enabled Services*, WC Docket No. 04-36; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196

Dear Ms. Dortch:

AOL Enhanced Services, LLC (“AOL”), a wholly owned subsidiary of America Online, Inc., submits this *ex parte* letter to update the Commission on its plans to ensure that its TotalTalk VoIP service provides access to E911 services in compliance with the Commission’s rules.¹ AOL fully supports the Commission’s efforts to ensure that the deployment of VoIP services meet public safety needs, and from the initial planning stages for AOL’s TotalTalk service, AOL has been committed to providing effective emergency-calling solutions.

AOL’s TotalTalk service enables customers to have IP-enabled voice conversations with both broadband-connected and PSTN-connected telephone users. Subscribers can place and receive calls using an ordinary telephone by attaching it to a telephone adapter (“TA”), which in turn connects to the subscriber’s broadband modem. In addition, TotalTalk includes a “soft phone” feature, which enables VoIP communications using the America Online, Inc. instant messaging platform.

¹ Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 & 05-196 (Nov. 7, 2005) (encouraging providers of interconnected VoIP service to develop technical solutions to ensure the availability of 911 service to nomadic users).

Since the release of the *VoIP E911 Order*,² AOL has devoted substantial resources to ensuring that TotalTalk, including the innovative soft phone feature, will be provided only where E911 is available. As the Commission has recognized, existing technological limitations present significant challenges to the proper routing of 911 calls when the subscriber accesses a VoIP service from a location other than the Registered Location. Accordingly, as described below, AOL has taken steps to prevent subscribers from using TotalTalk in a nomadic fashion. In addition, AOL is working exhaustively to implement a solution that will detect when a subscriber attempts to use TotalTalk from an unregistered location.

Consistent with the Commission's rules, AOL requires subscribers to provide a Registered Location and has arranged to route 911 calls with ANI and ALI to the PSAP serving that location. AOL has entered into an agreement with Level 3 Communications to obtain access to the dedicated Wireline E911 network, and AOL will not register any subscriber who submits a Registered Location outside Level 3's E911 footprint.

On or before November 28, 2005, if a subscriber notifies AOL that she will access the TotalTalk service from anywhere other than the Registered Location, AOL will suspend the calling capabilities of the subscriber's TA and the soft phone.³ The subscriber will receive an intercept message indicating that calls cannot be placed from a location other than the address provided at the time of registration. Through such suspensions of outbound service, and as will be made clear by the TotalTalk Terms of Service, subscribers will be prohibited from using TotalTalk nomadically.

While AOL will suspend calling capabilities whenever a subscriber indicates that the TA has been moved from the Registered Location, AOL recognizes that a subscriber could — in violation of the TotalTalk Terms of Service — move the TA *without* informing AOL. To address these concerns, AOL plans to implement a movement-detection solution akin to AT&T's

² *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 & 05-196, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 20 FCC Rcd 10245 (2005) ("*VoIP E911 Order*").

³ If the subscriber informs AOL of a permanent move to a new location, and the new address is within Level 3's E911 footprint, AOL will activate service at the new Registered Location.

“Heartbeat Solution,”⁴ to ensure that customers do not inadvertently have their calls routed to the wrong PSAP. While implementation of this solution requires the development of new systems and interfaces, as well as testing and debugging, AOL expects to complete these steps no later than December 31, 2005.

Like other VoIP providers, AOL receives signals (or “heartbeats”) from its TAs that enable the network to determine whether the TA has been disconnected from its power source and then reconnected. When such a disconnection followed by a reconnection occurs, because it could indicate that the subscriber has moved the TA to a new location,⁵ AOL will temporarily suspend the TA’s calling capability until the subscriber confirms that the TA has not been moved.⁶ Specifically, AOL will notify the subscriber of the need to confirm the Registered Location address before placing any calls.⁷ If the subscriber attempts to place a call before responding to this message, AOL will institute a call intercept that requires the subscriber to confirm the existing Registered Location address. Once the subscriber provides this confirmation, service will be promptly restored and calls will then be completed. If the subscriber instead indicates a new address, service

⁴ See Ex Parte Letter of Robert W. Quinn, Federal Government Affairs Vice President, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36 & 05-196 (Oct. 7, 2005) (“*AT&T Heartbeat Letter*”).

⁵ As AT&T points out, “most TA disconnections are not associated with a customer location move.” Rather, they result from “power outages, rebooting the TA to clear a trouble, moving the TA between locations within a home, ISP connectivity outages or planned maintenance,” or other causes. *AT&T Heartbeat Letter* at 2-3, notes 3 & 5.

⁶ The current solution available from AOL’s vendor can detect when a TA has been disconnected and reconnected, unless the reconnection occurs in less than 60 minutes. AOL is already working to promptly develop the capability to detect any disconnection followed by a reconnection that occurs within 30 minutes.

⁷ If AOL in the future authorizes subscribers to use the TA at locations other than the Registered Location, it will suspend service to any alternate location until it confirms that E911 is available at the address in question. As AT&T notes, while new network routing can be put in place within minutes of a customer’s registering a new address, ALI can be passed to the PSAP only after the appropriate ALI databases are updated and only to the extent that the PSAP is capable of receiving and utilizing that information. *AT&T Heartbeat Letter* at 2, note 4.

will remain suspended until the subscriber provides confirmation that the TA has returned to the Registered Location.

For calls placed through the soft phone feature of TotalTalk, AOL has developed an electronic interface that provides protections equivalent to those afforded by the “heartbeat” approach. This interface will be operational on or before November 28, 2005. Each time a TotalTalk subscriber logs onto the instant messaging service, the interface will require an affirmative confirmation of the subscriber’s location. If the subscriber confirms use of the feature from the Registered Location address, the call will be transmitted and E911 service will be available just as if the 911 call were placed from the TA. If the subscriber indicates an address other than the Registered Location, as noted above AOL will suspend the soft phone calling feature and notify the subscriber accordingly.⁸

In summary, AOL’s compliance plan builds on its movement-detection solutions and consists of the following components:

1. AOL already provides E911 to all existing TotalTalk subscribers at their Registered Locations. AOL will not add any new subscribers whose Registered Locations are in areas where AOL cannot provide E911.
2. The TotalTalk Terms of Service prohibit subscribers from attempting to access the TotalTalk service from a location other than the Registered Location without first informing AOL. By November 28, 2005, if a subscriber notifies AOL that she will access the TotalTalk service from anywhere other than the Registered Location, AOL will suspend the calling capabilities of the subscriber’s TA and the soft phone.

⁸ Finally, we note that, although we interpret the *VoIP E911 Order* to authorize the provision of VoIP service during the interval when E911 is unavailable as a result of the processing of ALI database updates, *see VoIP E911 Order* at ¶ 44 & n.143, we have decided out of an abundance of caution to delay initiation of service to customers obtaining new telephone numbers until AOL obtains confirmation that E911 is activated at the Registered Location. Where a customer ports a number from a local telephone company, AOL will provide VoIP service immediately, because any suspension would threaten to deprive the subscriber of lifeline communications capabilities. During the initial interval when the ALI update is pending and location information thus cannot be passed to a PSAP, AOL will transmit any 911 calls to the geographically appropriate PSAP with the subscriber’s call-back information.

3. To ensure proper routing of 911 calls placed through the soft phone feature, AOL will implement by November 28, 2005 an electronic interface that will require an affirmative confirmation of the subscriber's location each time the subscriber logs onto the instant messaging service.

4. AOL is working exhaustively to implement the movement-detection solution described above for its TAs. AOL expects this new solution to be fully implemented no later than December 31, 2005. This solution, together with the soft phone interface, will enable AOL to suspend service when a subscriber moves to a location other than the Registered Location, even if the subscriber fails to inform AOL of the location change. AOL will stop accepting new TotalTalk subscribers as of January 1, 2006 if AOL has been unable to implement the movement-detection solution as described above.

5. To support the cooperative efforts of the many entities, including public safety organizations, that must work together to make 911 possible for VoIP, AOL will contribute to the Public Safety Foundation, the Fraternal Order of Police Foundation, or a similar organization on the following basis: AOL will contribute an amount equal to \$0.25 per subscriber per day for the number of days that each subscriber remains grandfathered (as described in this paragraph) between November 28, 2005 and December 31, 2005. Beginning January 1, 2006, the payment will increase to \$0.50 per subscriber per day; on February 1, 2006, the payment will increase to \$0.75 per subscriber per day; and on March 1, 2006, the payment will increase to \$1.00 per subscriber per day for any subscribers who remain grandfathered. For purposes of this section, grandfathered subscribers are those for whom AOL has not implemented the automatic capability described in this letter to detect subscriber attempts to move the interconnected VoIP service.

6. AOL will file compliance updates with the Commission each month detailing its progress in implementing the steps outlined above, unless the Commission relieves AOL of this obligation.

AOL commends the Commission for its commitment to public safety and appreciates the opportunity to work with the Commission to ensure that its VoIP services include appropriate emergency-calling capabilities. Please contact the undersigned if you have any questions regarding the matters discussed in this letter.

Respectfully submitted,

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